

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of :)	
)	
Carrier Current Systems, including Broadband)	ET Docket No. 03-104
over Power Line Systems)	
)	
Amendment of Part 15 regarding new require-)	ET Docket No. 04-37
ments and measurement guidelines for Access)	
Broadband over Power Line Systems)	

Comments of National Business Aviation Association (NBAA)

NBAA hereby submits its comments in response to the Commission's *Notice of Proposed Rule Making*¹ For the reasons set forth below, NBAA urges the Commission to proceed with caution in the authorization of access broadband over power line service ("Access BPL") so as not to endanger the functioning of the nation's high frequency communications service specifically, but not limited to support of aviation safety.

Background

For 55 years the National Business Aviation Association (NBAA) has represented business aviation interests in the U.S. It is supported by 7,600 member companies that operate more than 9,500 aircraft, three-quarters of which are turbine powered. They provide U.S. industry with air transportation services around the world. Nearly 100 percent of the Fortune 500 industrial companies operating business aircraft are members of the Association. The Membership generates US\$ 5 trillion in annual revenues, a bit more than one half of the total US GDP, and employs over 19 million people worldwide. Over 70% of the Corporate Members operate their aircraft internationally to the benefit of worldwide commerce and trade.

Concerns

Access BPL has the potential to provide additional paths for broadband communications in the US where it is virtually unavailable today. But the implementation of Access BPL cannot be allowed compromise essential HF safety services used worldwide in oceanic flight environments. NBAA is greatly concerned over Access BPL's potential for groundwave and conducted-interference to aeronautical mobile services and stands ready to work with the Commission, as

¹ Notice of Proposed Rule Making, FCC 04-29, rel Feb. 23, 2004 ("NPRM").

possible, to ensure that the use of power lines for the transmission of RF communications signals does not compromise aviation safety.

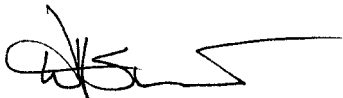
With these concerns in mind, any revisions made to the regulatory structure in attempting to implement Access BPL should:

- (1) not increase the signal levels beyond those set forth in Sections 15.109 and 15.209 of the Commission's Rules;
- (2) require operation in accordance with the conditions of Section 15.5 of the Rules;
- (3) require the mandatory inclusion, maintenance and testing of interference mitigation techniques;
- (4) require coordination and testing of Access BPL operations with the aviation communications community prior to implementation of service to the public;
- (5) avoid the use of Aeronautical Mobile (R) (AM(R)S) Service spectrum for Access BPL unless and until both theoretical analysis and actual operational experience show conclusively that there is no likelihood of skywave propagation; and
- (6) require that each individual Access BPL system be evaluated to determine its compliance with the Commission's Rules governing operation of such systems.

Only by taking these cautionary steps can the Commission ensure that this new path to the internet will not also endanger the safety of aeronautical communications and those who depend on such communications for the safe and efficient operation of aircraft.

We appreciate your attention to our concerns and those of the aviation industry.

Respectfully,

A handwritten signature in black ink, appearing to read 'W. Stine', with a long horizontal flourish extending to the right.

William H. Stine
Director, International Operations
NBAA

5/21/2004